

**Whitehurst,David**

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**From:** John Heard [jheard.hudsonandassociates@comcast.net]  
**Sent:** Thursday, November 09, 2006 4:33 PM  
**To:** Daub,Elleanore  
**Subject:** Comments on Reasonable Grounds to Conduct a Use Attainability Analysis - Straight Creek

Dear Ms. Daub:

On behalf of the Virginia Coal Association (VCA) which represents companies that mine approximately 70 percent of the coal that is produced annually in Virginia, I am writing to express our support for the Use Attainability Analysis proposal submitted for the Straight Creek watershed. Based on our review of the supporting information submitted by the Virginia Coalfields Total Maximum Daily Load Group, we believe that the proposal meets (and in fact exceeds) the "reasonable grounds" standard set forth in Va. Code 62.1-44.19:7.E. The Virginia Coal Association was actively engaged in the legislative process to amend Va. Code 62.1-44.19:7 to add subsection E (HB 1457) during the 2006 Session and we believe that the Straight Creek proposal meets the letter and intent of those amendments. Furthermore, the Use Attainability Analysis will not delay TMDL development and implementation.

The VCA appreciates the opportunity to offer these comments and urges the Board to (i) find that the documentation submitted constitutes reasonable grounds that attainment of the aquatic life use for Straight Creek is not feasible and (ii) allow the Virginia Coalfields Total Maximum Daily Load Group to conduct a use attainability analysis according to criteria established pursuant to the Clean Water Act and a schedule established by the Board.

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